

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DANIEL WOOD

PLAINTIFF

v.

No. 3:16CV42-MPM-SAA

**DESOTO COUNTY SHERIFF'S
DEPARTMENT, ET AL.**

DEFENDANTS

JUDGMENT

Having considered the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge and the objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

All of the plaintiff's objections except paragraph 23 simply reiterate the plaintiff's discussion or involve facts that can be fleshed out through the summary judgment process or during trial. The Magistrate Judge's Report and Recommendation and this order decide only which claims may proceed on the pleadings. As such, those objections are overruled. In paragraph 23, Mr. Wood argues that Sheriff Bill Rasco should remain in the suit because he permitted "unwritten policies" "encouraging staff to deny medication in order to defeat attempts at litigation." Mr. Wood has not, however, alleged any facts to support the existence of such a policy; instead, he has alleged that the defendants singled him out to deprive him of his medication by failing to open his cell door during "med call," while permitting all other inmates to receive their medication. The claim for failing to provide Wood, personally, with his medications will go forward, but Wood has simply failed to allege facts to support his claim that a policy or practice of the jail that inmates are not to receive medical care. Thus, the plaintiff's objection in paragraph 23 is likewise overruled.

It is ordered:

1. That all of the plaintiff's objections to the Magistrate Judge's Report and Recommendation are **OVERRULED**;
2. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court; and
3. That Defendants Sheriff Bill Rasco, Sergeant Mauser, Sergeant Billingsley, Sergeant Washington, Nurse Terry Caldwell, and DeSoto County are **DISMISSED** with prejudice from this case for failure to state a claim upon which relief could be granted;
4. That Mr. Wood's claims regarding unconstitutionally harsh general conditions of confinement are **DISMISSED**, except for his claims that his toilet leaked and that his cell stayed extremely cold;
5. That Mr. Wood's claim of retaliation is **DISMISSED** for failure to state a claim upon which relief could be granted;
6. That the plaintiff's claim for denial of adequate medical care is **DISMISSED**, except for his claims that he initially received no treatment for his depression, anxiety, and suicidal state, that he received no psychological medication while on suicide watch for 29 days, and that, later on, various tower officers would not open his cell door so that he could receive his psychological medication during med call;
7. That defendants Chad Wicker, Dr. Thompson, and Nurse April Box will remain as defendants in this case; and
8. That Mr. Wood will be permitted to amend his complaint to include the identities of other defendants (John and Jane Does) who allegedly took part in the events giving rise to the claims remaining in this case as that information come to light during discovery.

SO ORDERED, this, the 30th day of August, 2016.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI